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# TRANSMITTAL FORM

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Total Number of Pages in This Submission

| | |
|---|---|
| Application Number | 10/672,112 |
| Filing Date | 09/26/2003 |
| First Named Inventor | Jaeger |
| Art Unit | 2178 |
| Examiner Name | Honeycutt |
| Attorney Docket Number | 4207/CIP/2 |

## ENCLOSURES *(Check all that apply)*

- [✔] Fee Transmittal Form
  - [✔] Fee Attached
- [ ] Amendment/Reply
  - [ ] After Final
  - [ ] Affidavits/declaration(s)
- [ ] Extension of Time Request
- [ ] Express Abandonment Request
- [ ] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [ ] Reply to Missing Parts/ Incomplete Application
  - [ ] Reply to Missing Parts under 37 CFR 1.52 or 1.53

- [ ] Drawing(s)
- [ ] Licensing-related Papers
- [ ] Petition
- [ ] Petition to Convert to a Provisional Application
- [ ] Power of Attorney, Revocation Change of Correspondence Address
- [ ] Terminal Disclaimer
- [ ] Request for Refund
- [ ] CD, Number of CD(s) _____
  - [ ] Landscape Table on CD

**Remarks**

- [ ] After Allowance Communication to TC
- [ ] Appeal Communication to Board of Appeals and Interferences
- [✔] Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
- [ ] Proprietary Information
- [ ] Status Letter
- [✔] Other Enclosure(s) (please Identify below):
  - PTO Reply Postcard

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

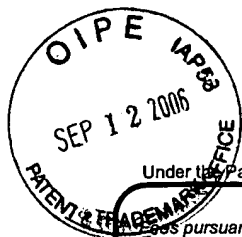| Firm Name | Zimmerman & Cronen, LLP |
|---|---|
| Signature | |
| Printed name | Harris Zimmerman |
| Date | 09/12/2006 |

| Reg. No. | 16,437 |
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| Signature | | |
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# FEE TRANSMITTAL
## For FY 2006

*Effective on 12/08/2004.*
*pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).*

[✔] Applicant claims small entity status. See 37 CFR 1.27

| TOTAL AMOUNT OF PAYMENT | ($) | 250.00 |
|---|---|---|

### Complete if Known

| | |
|---|---|
| Application Number | 10/672,112 |
| Filing Date | 09/26/2003 |
| First Named Inventor | Jaeger |
| Examiner Name | Honeycutt |
| Art Unit | 2178 |
| Attorney Docket No. | 4207/CIP/2 |

## METHOD OF PAYMENT (check all that apply)

[✔] Check  [ ] Credit Card  [ ] Money Order  [ ] None  [ ] Other (please identify): _____

[✔] Deposit Account   Deposit Account Number: 26-0265   Deposit Account Name: Harris Zimmerman

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## FEE CALCULATION

### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

| Application Type | FILING FEES Fee ($) | Small Entity Fee ($) | SEARCH FEES Fee ($) | Small Entity Fee ($) | EXAMINATION FEES Fee ($) | Small Entity Fee ($) | Fees Paid ($) |
|---|---|---|---|---|---|---|---|
| Utility | 300 | 150 | 500 | 250 | 200 | 100 | _____ |
| Design | 200 | 100 | 100 | 50 | 130 | 65 | _____ |
| Plant | 200 | 100 | 300 | 150 | 160 | 80 | _____ |
| Reissue | 300 | 150 | 500 | 250 | 600 | 300 | _____ |
| Provisional | 200 | 100 | 0 | 0 | 0 | 0 | _____ |

### 2. EXCESS CLAIM FEES

| Fee Description | Fee ($) | Small Entity Fee ($) |
|---|---|---|
| Each claim over 20 (including Reissues) | 50 | 25 |
| Each independent claim over 3 (including Reissues) | 200 | 100 |
| Multiple dependent claims | 360 | 180 |

| Total Claims | Extra Claims | Fee ($) | Fee Paid ($) |
|---|---|---|---|
| _____ - 20 or HP = | _____ x | _____ = | _____ |

HP = highest number of total claims paid for, if greater than 20.

| Indep. Claims | Extra Claims | Fee ($) | Fee Paid ($) |
|---|---|---|---|
| _____ - 3 or HP = | _____ x | _____ = | _____ |

HP = highest number of independent claims paid for, if greater than 3.

**Multiple Dependent Claims**

| Fee ($) | Fee Paid ($) |
|---|---|
| _____ | _____ |

### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee ($) | Fee Paid ($) |
|---|---|---|---|---|
| _____ - 100 = | _____ / 50 = | _____ (round up to a whole number) x | _____ = | _____ |

### 4. OTHER FEE(S)

Fees Paid ($)

Non-English Specification, $130 fee (no small entity discount)

Other (e.g., late filing surcharge): Appeal Brief _____  250.00

## SUBMITTED BY

| Signature | | Registration No. (Attorney/Agent) 16,437 | Telephone 510-465-0828 |
|---|---|---|---|
| Name (Print/Type) Harris Zimmerman | | | Date 09/12/2006 |

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## BRIEF ON APPEAL

### A. IDENTIFICATION PAGE

Applicant's name: JAEGER

Application Serial No. : 10/672,112

Filed: 09/26/2003

Title: **METHOD FOR FORMATTING TEXT BY HAND DRAWN INPUTS**

Examiner: Honeycutt

Group Art Unit: 2178

## B. TABLE OF CONTENTS

## C. REAL PARTY IN INTEREST

This patent application has been not been assigned, and the inventor remains the real

party in interest.

## D. RELATED APPEALS AND INTERFERENCES

There are no related appeals nor interferences that are related to, or have any bearing on, the present application.

## E. STATUS OF CLAIMS

Claims 1-8 were originally filed in the application.

Claims 1-3 and 8 stand rejected under 35 USC 102(e) as being anticipated by Forcier (US 6,499,043).

Claim 4 stands rejected under 35 USC 103(a) over Forcier (above) in view of Nagasawa (US 6,768,928).

Claim 5 stands rejected under 35 USC 103(a) over Forcier (above) in view of Nagasawa (above) in view of Tognazzini (US 5,850,211).

Claim 6 stands rejected under 35 USC 103(a) over Forcier (above) in view of Nagasawa (above) and Jorna (US 6,029,172).

Claim 7 stands rejected under 35 USC 103(a) over Forcier (above) in view of Nagasawa (above) and Henry (US 5,881,169).

No new claims have been entered. Claims 1-8 are the subject of this appeal.

**F. STATUS OF AMENDMENTS**

No amendments have been filed subsequent to the final rejection of April 14, 2006.

## G. Summary Of Claimed Subject Matter

The claimed subject matter comprises a method for editing text in a computer or word processor using hand drawn inputs. This invention is directed toward text formatting tasks such as outline and heading formats, setting margins, and establishing tab settings. The method includes the user entering a hand drawn input into a computer, using a mouse, stylus on touch screen, finger on touch screen, and the like. The hand drawn input is a staircase object must have at least one horizontal and vertical segment in alternating order to define a stepped, descending (or ascending) figure. Shape recognition software recognizes the object and indicates a successful recognition by, e.g., replacing it with a machine rendered staircase object having a similar size and configuration as the drawn object and located in the same position onscreen, or highlighting the hand drawn staircase, or the like. The user then places alphanumeric characters adjacent to each step to exemplify the heading/outline format that will be applied to a text object. The placement of these characters can be by any means available to a user, e.g., typing on a keyboard, hand printing or script recognition, voice recognition and the like. The headings may be uppercase or lowercase letters, numbers, Roman numerals, or any combination of these characters, including parentheses and punctuation marks.

It is significant that the staircase object embodies in a single, unitary object all of the heading and outline formatting for an entire block of text. The staircase formatting object is applied to any pre-existing text by drawing an arrow from the staircase formatting object to the text, or by dragging the staircase formatting object to overlay at least part of the text. The width of the steps of the staircase object can determine the leftward indentation of each heading with respect to the other headings, and the height of the riser of each step can determine the vertical spacing of the heading sections.

Alternatively, the leftward indentation and the vertical spacing can be according to a default setting, where the size of the stair object's individual stair steps will not determine these factors. In either case, these parameters may be adjusted by the user clicking and dragging on the staircase segments and moving them up or down or right or left.

A further aspect of the claimed invention is that any heading character in a staircase formatting object may be changed by replacement, whereby a graphic element, or picture, or special alphanumeric character may be substituted for any alphanumeric character of the heading arrangement that is set by the staircase formatting object. In the instant application, the examples given are a bullet graphic, which is shown to replace an "A" character in the outline format; and a "happy face" graphic, which is shown to replace the heading character "I" in the outline format. Once the substitution is carried out in the staircase formatting object, the replacement will be entered in the text block wherever those respective characters would otherwise appear.

## H. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

There are five grounds of rejection to be reviewed on appeal:

1) whether claims 1-3 and 8 are unpatentable under 35 USC 102(e) as being anticipated by Forcier (US 6,499,043);

2) whether claim 4 is unpatentable under 35 USC 103(a) as obvious over Forcier (above) in view of Nagasawa (US 6,768,928);

3) whether claim 5 is unpatentable under 35 USC 103(a) as obvious over Forcier (above) in view of Nagasawa (above) in view of Tognazzini (US 5,850,211);

4) whether claim 6 is unpatentable under 35 USC 103(a) as obvious over Forcier (above) in view of Nagasawa (above) and Jorna (US 6,029,172);

5) whether claim 7 is unpatentable under 35 USC 103(a) as obvious over Forcier (above) in view of Nagasawa (above) and Henry (US 5,881,169).

## I. ARGUMENT

### Rejection of claims 1-3 and 8 under 35 USC 102(e) over Forcier

Forcier describes an onscreen editing scheme in which hand-written text is entered by a pen on a sensing surface. It also provides a simple editing system in which pen-based gestures are recognized by software to carry out simple editing functions on existing handwritten text inputs. The editing system employs simple pen gestures on the sensing surface to carry out simple editing functions on a line-by-line basis. The editing gestures, shown in Figs. 4-4i, employ simple pen gestures on the sensing surface to carry out simple editing functions on a line-by-line basis, as described in col. 14, line 40 to col. 15, line 67. The software distinguishes between writing strokes and editing gestures by a simple expedient: when the pen tip is held motionless on the sensing surface for a predetermined time interval, the software switches to gesture mode and accepts the next stroke as an editing command. Alternatively, a double tap at the same point, or a particular pen angle may be detected and used to initiate the edit gesture mode (see col. 13, lines 36-60).

Forcier is devoted to line-by-line editing of text displayed onscreen. It is significant that Forcier does not disclose nor suggest the creation of a text formatting object that may be applied to an entire block of text in one step to establish heading and outline formatting throughout the text block. The simple gestures of Forcier are employed for functions such as insert or delete line, close up space in a line or insert space in a line, mark BOL (beginning of line), mark beginning of block of text, mark end of block of text, etc.), and these gestures are applied to a particular line or point in the text block.

This fundamental distinction between the instant invention and the Forcier reference is manifest in the comparison of the claim limitations to the reference's teachings.

<u>Claim 1</u>

Claim 1 recites a method for creating headings in text displayed on the screen display of an electronic device. The first step recited is drawing a staircase object having at least one vertical segment joined to at least one horizontal segment to define at least one step. The rejection cites Forcier Figures 4-4H and col. 14, lines 5-16 as the relevant teaching. These figures depict the prompts for simple, single line gestures that Forcier uses for line editing purposes: arrow right, left, down, up, line down, dot, dogleg down to right, and circle. The cited lines 5-16 describe that when an "object drawing prompt" is displayed, the following entry of multiple line segments may be examined by the gesture recognition algorithm to recognize a geometric shape. Note that the cited lines NEVER state that the gestures are joined together by the user. Every aspect of the Forcier disclosure and system is directed toward individual gestures entered by the user, gestures that are not connected or joined in any way. Thus the suggestion in the rejection that "Forcier teaches drawing line segments horizontally and vertically, which can form a staircase..." is completely without foundation in the reference itself.

The second step recited in claim 1 is recognizing the drawn staircase object. The rejection further states that Forcier recognizes the drawn staircase object, citing col. 14, lines 16-21. These lines describe the recognition of geometric objects "square, triangle, circle, etc.") but do not state or suggest the recognition of a staircase object, nor its subsequent use.

Step three in claim 1 is entering at least one alphanumeric character adjacent to at least one step to define a heading style for at least one step and create a staircase formatting object. The rejection points first to Forcier, col. 11, lines 45-51, which describe how a user may enter text on a blank document by entering cursive or printed script text and have it translated into ASCII characters, or inserting script into an existing ASCII document. Note that the entered text is NOT associated with a formatting object.

Next, the rejection points to Forcier, col. 28, lines 53-67 to col. 29, line 2, which describes how the user may enter a BOL marker gesture in a text block to create an open line space (Figure 7F). Note that the gesture is applied to directly to the text, NOT to a formatting object. Thus the cited teachings in the reference do not apply to a formatting object; rather, they apply to entering and editing a line of text onscreen.

Step four in claim 1 is substituting a graphic object for the at least one alphanumeric character. The rejection cites Forcier col. 40, lines 20-26 to show this step. The citation refers to a process for removing underlining in a text block, including a subroutine that searches for a row of visible underline points in a line that exceeds a preset number. The first and last point positions are stored, and then removed from the bit-mapped image by replacement with invisible points. This description and function bears no relationship to the claimed step: substituting a graphic object for an alphanumeric character in the recognized staircase formatting object.

The fifth and final step of claim 1 is to automatically create a heading having the substituted graphic object wherever the at least one alphanumeric character appears at the beginning of a line in the text. That is, the staircase formatting object with the substituted graphic object causes the graphic object to appear in place of the respective alphanumeric character. To meet this recitation the rejection first cites col. 16, lines 25-33, which describes how Forcier applies functions to selected strokes through menu selection. Also, it describes how strokes can be dragged to selected parts of the text. The concept of graphic substitution for a heading character is completely absent. Furthermore, this bears no relationship to the use of a staircase formatting object to substitute a graphic object for a heading character throughout the text block. The rejection also cites in this regard col. 28, lines 53 to col. 29, line 2. This excerpt details the operation of the "insert BOL marker" in Forcier, which has the effect of adding a line space and wrapping the text beyond the marker. Once again this description involves a single editing gesture and

its effect, and bears no relationship to the staircase formatting object and its graphic object substitution.

Clearly the Forcier reference fails to teach the creation or use of a staircase formatting object that embodies heading and formatting in a unitary object and is applicable to all of a text block. Nor does Forcier disclose or suggest any form of substitution of a graphic object in a heading and formatting staircase object. Therefore it is asserted that claim 1 is plainly allowable over Forcier.

## Claim 2

Claim 2 depends from claim 1, and adds the limitation that step four (substitution of graphic object for character in staircase formatting object) is carried out by placing the graphic object onscreen, and drawing an arrow from the graphic object to the at least one alphanumeric character of the staircase formatting object. The rejection cites Forcier col. 28, lines 1-8 as anticipating this recitation. The citation describes an editing gesture in which the cursor is placed between the printed script and the first cursive word, and the stylus is poised momentarily at the cursor and dragged rightward to open a space in the text line. This description has nothing to do with the claimed method of substitution of claim 2: no graphic object is placed onscreen, no arrow is drawn from the graphic object to an alphanumeric character, and most importantly, the alphanumeric characters of Forcier are never associated with anything that could be interpreted as a staircase formatting object. Thus it is clear that claim 2 is also allowable over Forcier, whether that assessment is made under §102 or §103.

## Claim 3

Claim 3 depends from claim 1, and further delimits the independent claim by stating that the graphic object is a bullet. The rejection cites Forcier Figs. 4-4H and col.

40, lines 20-26. According to Forcier, Figures 4-4H depict "diagrams of gestures used in the invention for editing script and/or text in the editing mode of FIG. 3...". They may include a heavy black dot at the initiation point of the gesture, but those dots are not graphic objects meant to be substituted for a heading character into a text block. Nor are they part of a permanent text or graphic display; rather, they are merely the indication of the starting point of a single editing gesture. Thus it is evident that the reference does not meet the terms of the claimed recitation, and claim 3 should be allowed over the reference.

## Claim 8

Claim 8 depends from claim 1, and further includes the step of assigning the placement of said graphic object in said heading to a designated keyboard function key, whereby pressing said designated keyboard function key at the beginning of a line in said text causes said graphic object to appear in said heading. The rejection cited Forcier col. 7, lines 24-28. This citation states, " In a computer having a keyboard with cursor keys, key action can be mapped to the editing gesture control functions, allowing documents containing script and/or ASCI to be edited from the keyboard as well as the graphics input device." This mapping (or remapping) of key functions is generally well known in the computer field, but it does not address the particular function and use specified in claim 8. There is no disclosure nor suggestion of assigning a keyboard function key to undertake placement of a graphic object in a heading of a staircase formatting object. Therefore the reference fails to offer a teaching that is relevant or appropriate, and it is evident that claim 8 is allowable over the prior art.

**Rejection of claim 4 under 35 USC 103(a) over Forcier in view of Nagasawa**

Claim 4 depends from independent claim 1, and states a further step of displaying an Info Canvas for the graphic object. In this regard, note the description in paragraph [0067] of the specification, page 24, lines 16-23: "As shown in Figure 2, the user may right click (or the equivalent) on the object 23 to call forth a display of an Info Canvas 26 that pertains to the object 23. (In the predecessor applications referenced above, the term "Info Window" was used for the object 26, and the two terms are considered to be equivalent.) The Info Canvas 26 presents, *inter alia*, a selection "Wrap to left edge" and "Wrap under heading." When this latter selection is on (highlighted), the text following an outline heading wraps under the left edge of the heading indicia, as shown in Figure 2." Note also Figure 14C, in which a right click on the graphic object evokes the display of an Info Canvas. Clearly claim 4, by using the term Info Canvas, refers to a pop-up information window.

Claim 4 stands rejected over Forcier and Nagasawa, which describes a CAD system. Clearly Nagasawa was cited for its use of the term "canvas." However, in the reference, the term "canvas" refers to "a system for defining a 2D edge shape. The function of the canvas is limited narrower than drawing creation drafting CAD." (col. 5, lines 13-15.) Thus in Nagasawa a 'canvas' is a delimited portion of the display used only to portray the edge configuration of a drawing object. It is NOT an information window that pops up to offer the user some options pertaining to an onscreen object. Thus Nagasawa does not provide a teaching that would make obvious the claimed limitation of claim 4. Therefore claim 4 is allowable.

Rejection of claim 5 under 35 USC 103(a) over Forcier in view of Nagasawa and Tognazzini

Claim 5 depends from claim 4, and further recites the step of providing a selection in the Info Canvas of claim 4 to enable selecting and deselecting display of the graphic object in the heading. Applicant notes that, as stated above, Nagasawa does not provide an Info Canvas that would enable a computer user to view or select items in an information window, so it is clear that the combination fails to provide the claimed invention.

Compounding that failure, the rejection cites col. 2, lines 53-57 and col. 7, lines 16-35 of Tognazzini. The first citation describes a broad goal of the patent: to provide a method of controlling information on a display by tracking the line of sight of the viewer's eyes, and selecting and deselecting a text object based on the eye fixation. This bears no relationship or pertinence to the claimed step of selecting a graphic display in an Info Canvas. The latter citation describes the process of monitoring the eye fixation to determine if it remains within a displayed text object, etc. There is no relevancy to the Info Canvas selection presented to the user of the present invention, and the choice of displaying the graphic object in the heading. Therefore claim 5 defines the invention over the combination of references and is allowable.


Rejection of claim 6 under 35 USC 103(a) over Forcier in view of Nagasawa and Jorna

Claim 6 depends from claim 4 and further recites the step of providing a Category selection in the Info Canvas to enable display of the graphic object in the heading whenever an alphanumeric character having a categorical similarity to the at least one alphanumeric character is placed at the beginning of a line in the text. This feature is depicted in Figure 14C of the application. If "category" is selected in the Info Canvas,

then the character accompanying the bullet under a stair represents a category of characters; e.g., "A" represents all uppercase letters, and "1" represents all numbers, and the like. If the entry "individual character" is selected, then only the character that accompanies the bullet will elicit a bullet when it is typed.

Applicant notes once again that, as stated above, Nagasawa does not provide an Info Canvas that would enable a computer user to view or select items in an information window, so it is clear that the combination fails to provide the claimed invention.

The Jorna reference describes a general method and system for selecting and associating categorical information. However, there is no teaching in this reference of how its categorical hierarchies could or would be applied specifically to the Info Canvas of the claimed invention. Without the disclosure of the present application, an individual having ordinary skill in the art would have absolutely no clue that Jorna may be applied to selecting the categories of characters that evoke a particular graphic object in a heading of a text object. Therefore the addition of Jorna to the combination of references does nothing to make obvious the claimed invention, and claim 6 should be allowed.

**Rejection of claim 7 under 35 USC 103(a) over Forcier in view of Nagasawa and Henry**

Claim 7 also depends from claim 4, and further recites the step of providing a Individual Character selection in the Info Canvas to enable display of the graphic object in the heading only when the at least one alphanumeric character is placed at the beginning of a line in the text. This claim also refers to the feature depicted in Figure 14C of the application, and is the alternative choice shown in that Figure; i.e., only the character that accompanies the bullet will elicit a bullet when it is typed or entered.

Applicant notes once again that, as stated above, Nagasawa does not provide an Info Canvas that would enable a computer user to view or select items in an information window, so it is clear that the combination fails to provide the claimed invention.

The Henry reference describes a method and system for presenting text entries in a pen-based input device. It bears no relevance to the claimed step, which is to control the presentation of the graphic object substitution whenever an individual character appears in a heading of a text object. Without the disclosure of the present application, an individual having ordinary skill in the art would have absolutely idea clue that Henry may be applied to selecting the a particular character that evokes a respective graphic object in a heading of a text object. Therefore the addition of Henry to the combination of references does nothing to make obvious the claimed invention, and claim 7 should be allowed.

## J. CLAIMS APPENDIX

1. In an electronic device that accepts drawn graphic entries and includes a screen display, a method for creating headings in text displayed on the screen, including the steps of:

drawing a staircase object having at least one vertical segment joined to at least one horizontal segment to define at least one step;

recognizing the drawn staircase object;

entering at least one alphanumeric character adjacent to said at least one step to define a heading style for said at least one step and create a staircase formatting object;

substituting a graphic object for said at least one alphanumeric character;

thereafter automatically creating a heading having said graphic object wherever said at least one alphanumeric character appears at the beginning of a line in said text.

2. The method of claim 1, wherein the step of substituting includes placing said graphic object onscreen, and drawing an arrow from said graphic object to said at least one alphanumeric character of said staircase formatting object.

3. The method of claim 1, wherein said graphic object comprises a bullet.

4. The method of claim 1, further including the step of displaying an Info Canvas for said graphic object.

5. The method of claim 4, further including the step of providing a selection in said Info Canvas to enable selecting and deselecting display of said graphic object in said heading.

6. The method of claim 4, further including the step of providing a Category selection in said Info Canvas to enable display of said graphic object in said heading whenever an alphanumeric character having a categorical similarity to said at least one alphanumeric character is placed at the beginning of a line in said text.

7. The method of claim 4, further including the step of providing a Individual Character selection in said Info Canvas to enable display of said graphic object in said heading only when said at least one alphanumeric character is placed at the beginning of a line in said text.

8. The method of claim 1, further including the step of assigning the placement of said graphic object in said heading to a designated keyboard function key, whereby pressing said designated keyboard function key at the beginning of a line in said text causes said graphic object to appear in said heading.
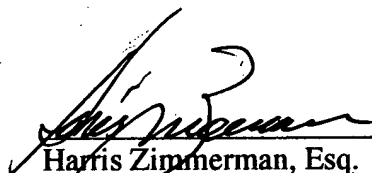
## K. Evidence Appendix

None

## L. RELATED PROCEEDINGS APPENDIX

There are no related proceedings before the United States Patent and Trademark Office.
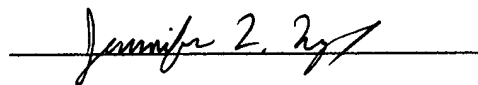
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9/12/06

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